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**Sent:** Mon 5/19/2008 4:46:20 PM  
**Subject:** FW: Inside EPA - CSTAG and Passaic

WOW! Let the games begin. I wonder where they got the quotes from.  
-----Forwarded by Ray Basso/R2/USEPA/US on 05/19/2008 03:46PM -----

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Date: 05/19/2008 03:22PM  
Subject: FW: Inside EPA - CSTAG and Passaic

## EPA REGION II DISMISSES ADVISORS' CONCERNS WITH NEW PASSAIC RIVER STUDY

EPA Region II is dismissing suggestions from an EPA headquarters advisory panel that recommended holding back on the cleanup of a highly polluted New Jersey river, saying more study needs to be done to determine the source of the river's contamination.

EPA Region II in a May 6 memo formally replied to EPA's Contaminated Sediments Technical Advisory Group (CSTAG), dismissing the advisory panel's concerns over the region's analysis of remedial options for the Lower Passaic River in New Jersey. The region is backing its position with a sediment contamination study it undertook while the CSTAG review was underway. The region says the new study answers many of the concerns CSTAG had while reviewing the region's Focused Feasibility Study (FFS) -- a study the regional office undertook to compare remediation options for a portion of the Passaic. CSTAG is an EPA headquarters advisory panel of scientists and engineers who monitor and advise the progress of selected Superfund sites with more specialized needs than most other sites.

But critics say the new study doesn't allay all of CSTAG's concerns and question whether Region II is trying to push the project forward as a way to tout cleanup accomplishments prior to the end of the Bush administration. An EPA Region II spokesman, however, denies any political agenda.

After a 10-month review, CSTAG gave its recommendations regarding the FFS to Region II April 1. In it, CSTAG cited numerous concerns with the region's plans for remediation of the site, specifically raising questions over the region's identification of the source of the pollution and how it characterized the estimated 25 feet of contaminated sediment in the lower eight miles of the river.

CSTAG was not convinced -- as the FFS concluded -- that the vast

majority of the dioxin and other contaminants in the sediment resulted from resuspension of deeper, more contaminated sediments due to tidal flows and storm events. Instead, CSTAG suggested that a significant portion of the pollution was arriving from upstream sources or tributaries, and called for more study. "In order to more reliably predict the expected effectiveness of the remedial options ... the region needs to evaluate more quantitatively the relative contribution risks from dioxin and PCBs entering from upstream," the response said. Relevant documents are available on InsideEPA.com.

CSTAG also suggested that EPA conduct more sampling to conclusively show that the contamination in the sediment in the lower eight miles is homogenized, as opposed to a stratified series of layers of contamination that require more care in removal. "CSTAG concludes that additional sampling data are needed to support the main premise of the conceptual site model (CSM) that the entire lower eight miles is a 'well mixed box,'" the report says.

In its response to the recommendations, EPA Region II claimed that it was already aware that more sampling would be required to bolster its models, and undertook a study after it sent the FFS to the CSTAG for review. The region also conducted a reanalysis of data collected as part of an ongoing remedial investigation and feasibility study (RI/FS) of the Newark Bay and its tributaries. Region II says these new data back the region's original premises and models used in the FFS, making CSTAG's concerns unfounded. The site's remedial project manager, Alice Yeh, authored the response to CSTAG's recommendations.

In response to the concern that contaminants are still arriving from upstream, the region said its study undertook "major sampling" from affected tributaries and from above the Dundee Dam, which, combined with the data from the Newark Bay's RI/FS, "confirm the . . . prediction that the major source of ongoing dioxin contamination to the tidal Passaic River and Newark Bay is resuspension of legacy sediments in the lower eight miles of the river."

The region's new data should also allay CSTAG's concern over the mixture of the contaminants in the sediment, the region claims.

An industry attorney familiar with the cleanup effort says the region's response--to allay CSTAG's concerns with an entire new data set that was not included in CSTAG's review--amounts to the region "blowing off headquarters" because the region is "obsessed with a remedy [for the Passaic] because of politics."

"There's concern, because [the region is] calling for a multi-billion-dollar remedy even before the [contaminant] sources have been remedied," the source says, adding that Region II Administrator Alan J. Steinberg is motivated to get the project started "before he's out of there at the end of the year."

A spokesman for Region II, however, denies any political motivation behind the remediation effort on the lower eight miles of the river, saying instead that it stems from years of scientific research that have yielded an effective action plan for the project. The spokesman points out that the site has been on Superfund's National Priorities List since the 1980's, and remediation studies have been ongoing since before the current administration was elected. "It really is time to take action," he says. "We've been studying this for decades."

He says the region is aware of the concerns about continuing contamination from upstream, and is working with state agencies and other stakeholders to identify solutions for that ongoing contamination. But compared with the amounts of contamination already present in the lower eight miles of the river, the "sources upstream represent such an insignificant part" of the overall cleanup effort that "it's not something that's going to prevent us from moving forward."

EPA Region II plans to issue a final proposal in the fall identifying its preferred cleanup methodology, as well as alternates. That proposal will be followed by a 60-day public comment period.